

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

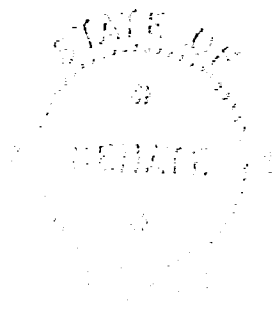
CHAPTER 308

SENATE BILL 1166

AN ACT

CHANGING THE DESIGNATION OF TITLE 13, CHAPTER 23, ARIZONA REVISED STATUTES, TO "ORGANIZED CRIME, FRAUD AND TERRORISM"; AMENDING SECTION 13-2301, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 219, SECTION 9; AMENDING SECTION 13-2301, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 188, SECTION 18; RELATING TO ANIMAL AND ECOLOGICAL TERRORISM.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The chapter heading of title 13, chapter 23, Arizona Revised Statutes,
4 is changed from "ORGANIZED CRIME AND FRAUD" to "ORGANIZED CRIME, FRAUD AND
5 TERRORISM".

6 Sec. 2. Section 13-2301, Arizona Revised Statutes, as amended by Laws
7 2002, chapter 219, section 9, is amended to read:

8 13-2301. Definitions

9 A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

10 1. "Collect an extension of credit" means to induce in any way any
11 person to make repayment of that extension.

12 2. "Creditor" means any person making an extension of credit or any
13 person claiming by, under or through any person making an extension of
14 credit.

15 3. "Debtor" means any person to whom an extension of credit is made or
16 any person who guarantees the repayment of an extension of credit, or in any
17 manner undertakes to indemnify the creditor against loss resulting from the
18 failure of any person to whom an extension is made to repay the extension.

19 4. "Extend credit" means to make or renew any loan or to enter into
20 any agreement, tacit or express, whereby the repayment or satisfaction of any
21 debt or claim, whether acknowledged or disputed, valid or invalid, and
22 however arising, may or shall be deferred.

23 5. "Extortionate extension of credit" means any extension of credit
24 with respect to which it is the understanding of the creditor and the debtor
25 at the time the extension is made that delay in making repayment or failure
26 to make repayment could result in the use of violence or other criminal means
27 to cause harm to the person or the reputation or property of any person.

28 6. "Extortionate means" means the use, or an express or implicit
29 threat of use, of violence or other criminal means to cause harm to the
30 person or the reputation or property of any person.

31 7. "Repayment of any extension of credit" means the repayment,
32 satisfaction or discharge in whole or in part of any debt or claim,
33 acknowledged or disputed, valid or invalid, resulting from or in connection
34 with that extension of credit.

35 B. For the purposes of section 13-2305, 13-2306 or 13-2307:

36 1. "Dealer in property" means a person who buys and sells property as
37 a business.

38 2. "Stolen property" means property of another as defined in section
39 13-1801 that has been the subject of any unlawful taking.

40 3. "Traffic" means to sell, transfer, distribute, dispense or
41 otherwise dispose of stolen property to another person, or to buy, receive,
42 possess or obtain control of stolen property, with the intent to sell,
43 transfer, distribute, dispense or otherwise dispose of the property to
44 another person.

45 C. For the purposes of this chapter:

1 1. "ANIMAL ACTIVITY" MEANS A COMMERCIAL ENTERPRISE THAT USES ANIMALS
2 FOR FOOD, CLOTHING OR FIBER PRODUCTION, AGRICULTURE OR BIOTECHNOLOGY.

3 2. "ANIMAL FACILITY" MEANS A BUILDING OR PREMISES WHERE A COMMERCIAL
4 ACTIVITY IN WHICH THE USE OF ANIMALS IS ESSENTIAL TAKES PLACE, WHICH MAY
5 INCLUDE A ZOO, RODEO, CIRCUS, AMUSEMENT PARK, HUNTING PRESERVE AND HORSE AND
6 DOG EVENT.

7 3. "ANIMAL OR ECOLOGICAL TERRORISM" MEANS ANY FELONY IN VIOLATION OF
8 SECTION 13-2312, SUBSECTION B THAT INVOLVES AT LEAST THREE PERSONS ACTING IN
9 CONCERT, THAT INVOLVES THE INTENTIONAL OR KNOWING INFLICTION OF PROPERTY
10 DAMAGE IN AN AMOUNT OF MORE THAN TEN THOUSAND DOLLARS TO THE PROPERTY THAT IS
11 USED BY A PERSON FOR THE OPERATION OF A LAWFULLY CONDUCTED ANIMAL ACTIVITY OR
12 TO A COMMERCIAL ENTERPRISE THAT IS ENGAGED IN A LAWFULLY OPERATED ANIMAL
13 FACILITY OR RESEARCH FACILITY AND THAT INVOLVES EITHER:

14 (a) THE USE OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT.

15 (b) THE INTENTIONAL OR KNOWING INFLICTION OF SERIOUS PHYSICAL INJURY
16 ON A PERSON ENGAGED IN A LAWFULLY CONDUCTED ANIMAL ACTIVITY OR PARTICIPATING
17 IN A LAWFULLY CONDUCTED ANIMAL FACILITY OR RESEARCH FACILITY.

18 ~~1-~~ 4. "Biological agent" means any microorganism, virus, infectious
19 substance or biological product that may be engineered through biotechnology
20 or any naturally occurring or bioengineered component of any microorganism,
21 virus, infectious substance or biological product and that is capable of
22 causing any of the following:

23 (a) Death, disease or physical injury in a human, animal, plant or
24 other living organism.

25 (b) The deterioration or contamination of air, food, water, equipment,
26 supplies or material of any kind.

27 ~~2-~~ 5. "Combination" means persons who collaborate in carrying on or
28 furthering the activities or purposes of a criminal syndicate even though
29 such persons may not know each other's identity, membership in the
30 combination changes from time to time or one or more members may stand in a
31 wholesaler-retailer or other arm's length relationship with others as to
32 activities or dealings between or among themselves in an illicit operation.

33 ~~3-~~ 6. "Communication service provider" has the same meaning
34 prescribed in section 13-3001.

35 ~~4-~~ 7. "Criminal syndicate" means any combination of persons or
36 enterprises engaging, or having the purpose of engaging, on a continuing
37 basis in conduct that violates any one or more provisions of any felony
38 statute of this state.

39 ~~5-~~ 8. "Explosive agent" means an explosive as defined in section
40 13-3101 and flammable fuels or fire accelerants in amounts over fifty gallons
41 but excludes:

42 (a) Fireworks as defined in section 36-1601.

43 (b) Firearms.

44 (c) A propellant actuated device or propellant actuated industrial
45 tool.

1 (d) A device that is commercially manufactured primarily for the
2 purpose of illumination.

3 (e) A rocket having a propellant charge of less than four ounces.

4 ~~6-~~ 9. "Material support or resources" includes money or other
5 financial securities, financial services, lodging, sustenance, training,
6 safehouses, false documentation or identification, communications equipment,
7 facilities, weapons, lethal substances, explosives, personnel,
8 transportation, disguises and other physical assets but does not include
9 medical assistance, legal assistance or religious materials.

10 ~~7-~~ 10. "Public establishment" means a structure that is owned, leased
11 or operated by this state or a political subdivision of this state or a
12 health care institution as defined in section 36-401.

13 11. "RESEARCH FACILITY" MEANS A LABORATORY, INSTITUTION, MEDICAL CARE
14 FACILITY, GOVERNMENT FACILITY, PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION OR
15 NATURE PRESERVE AT WHICH A SCIENTIFIC TEST, EXPERIMENT OR INVESTIGATION
16 INVOLVING THE USE OF ANIMALS IS LAWFULLY CARRIED OUT, CONDUCTED OR ATTEMPTED.

17 ~~8-~~ 12. "Terrorism" means any felony, including any completed or
18 preparatory offense, that involves the use of a deadly weapon or a weapon of
19 mass destruction or the intentional or knowing infliction of serious physical
20 injury with the intent to either:

21 (a) Influence the policy or affect the conduct of this state or any of
22 the political subdivisions, agencies or instrumentalities of this state.

23 (b) Cause substantial damage to or substantial interruption of public
24 communications, communication service providers, public transportation,
25 common carriers, public utilities, public establishments or other public
26 services.

27 ~~9-~~ 13. "Toxin" means the toxic material of plants, animals,
28 microorganisms, viruses, fungi or infectious substances or a recombinant
29 molecule, whatever its origin or method of reproduction, including:

30 (a) Any poisonous substance or biological product that may be
31 engineered through biotechnology and that is produced by a living organism.

32 (b) Any poisonous isomer or biological product, homolog or derivative
33 of such substance.

34 ~~10-~~ 14. "Vector" means a living organism or molecule, including a
35 recombinant molecule or biological product that may be engineered through
36 biotechnology, that is capable of carrying a biological agent or toxin to a
37 host.

38 ~~11-~~ 15. "Weapon of mass destruction" means:

39 (a) Any device or object that is designed or that the person intends
40 to use to cause multiple deaths or serious physical injuries through the use
41 of an explosive agent or the release, dissemination or impact of a toxin,
42 biological agent, poisonous chemical, or its precursor, or any vector.

43 (b) Except as authorized and used in accordance with a license,
44 registration or exemption by the radiation regulatory agency pursuant to
45 section 30-672, any device or object that is designed or that the person

1 intends to use to release radiation or radioactivity at a level that is
2 dangerous to human life.

3 D. For the purposes of sections 13-2312, 13-2313, 13-2314 and 13-2315,
4 unless the context otherwise requires:

5 1. "Control", in relation to an enterprise, means the possession of
6 sufficient means to permit substantial direction over the affairs of an
7 enterprise and, in relation to property, means to acquire or possess.

8 2. "Enterprise" means any corporation, partnership, association, labor
9 union or other legal entity or any group of persons associated in fact
10 although not a legal entity.

11 3. "Financial institution" means any business under the jurisdiction
12 of the state banking department or a banking or securities regulatory agency
13 of the United States, a business coming within the definition of a bank,
14 financial agency or financial institution as prescribed by 31 United States
15 Code section 5312 or 31 Code of Federal Regulations section 103.11 or a
16 business under the jurisdiction of the securities division of the corporation
17 commission, the state real estate department or the department of insurance.

18 4. "Racketeering" means any act, including any preparatory or
19 completed offense, that is chargeable or indictable under the laws of the
20 state or country in which the act occurred and, if the act occurred in a
21 state or country other than this state, that would be chargeable or
22 indictable under the laws of this state if the act had occurred in this
23 state, and that would be punishable by imprisonment for more than one year
24 under the laws of this state and, if the act occurred in a state or country
25 other than this state, under the laws of the state or country in which the
26 act occurred, regardless of whether the act is charged or indicted, and the
27 act involves either:

28 (a) Terrorism, ANIMAL TERRORISM OR ECOLOGICAL TERRORISM that results
29 or is intended to result in a risk of serious physical injury or death.

30 (b) Any of the following acts if committed for financial gain:

31 (i) Homicide.

32 (ii) Robbery.

33 (iii) Kidnapping.

34 (iv) Forgery.

35 (v) Theft.

36 (vi) Bribery.

37 (vii) Gambling.

38 (viii) Usury.

39 (ix) Extortion.

40 (x) Extortionate extensions of credit.

41 (xi) Prohibited drugs, marijuana or other prohibited chemicals or
42 substances.

43 (xii) Trafficking in explosives, weapons or stolen property.

44 (xiii) Participating in a criminal syndicate.

1 (xiv) Obstructing or hindering criminal investigations or
2 prosecutions.

3 (xv) Asserting false claims including, but not limited to, false
4 claims asserted through fraud or arson.

5 (xvi) Intentional or reckless false statements or publications
6 concerning land for sale or lease or sale of subdivided lands or sale and
7 mortgaging of unsubdivided lands.

8 (xvii) Resale of realty with intent to defraud.

9 (xviii) Intentional or reckless fraud in the purchase or sale of
10 securities.

11 (xix) Intentional or reckless sale of unregistered securities or real
12 property securities.

13 (xx) A scheme or artifice to defraud.

14 (xxi) Obscenity.

15 (xxii) Sexual exploitation of a minor.

16 (xxiii) Prostitution.

17 (xxiv) Restraint of trade or commerce in violation of section 34-252.

18 (xxv) Terrorism.

19 (xxvi) Money laundering.

20 (xxvii) Obscene or indecent telephone communications to minors for
21 commercial purposes.

22 (xxviii) Counterfeiting marks as proscribed in section 44-1453.

23 (xxix) ANIMAL TERRORISM OR ECOLOGICAL TERRORISM.

24 (xxx) SMUGGLING OF HUMAN BEINGS.

25 5. "Records" means any book, paper, writing, computer program, data,
26 image or information that is collected, recorded, preserved or maintained in
27 any form of storage medium.

28 6. "Remedy racketeering" means to enter a civil judgment pursuant to
29 this chapter or chapter 39 of this title against property or a person who is
30 subject to liability, including liability for injury to the state that is
31 caused by racketeering or by actions in concert with racketeering.

32 E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:

33 1. "Access" means to instruct, communicate with, store data in,
34 retrieve data from or otherwise make use of any resources of a computer,
35 computer system or network.

36 2. "Access device" means any card, token, code, account number,
37 electronic serial number, mobile or personal identification number, password,
38 encryption key, biometric identifier or other means of account access,
39 including a canceled or revoked access device, that can be used alone or in
40 conjunction with another access device to obtain money, goods, services,
41 computer or network access or any other thing of value or that can be used to
42 initiate a transfer of any thing of value.

43 3. "Computer" means an electronic device that performs logic,
44 arithmetic or memory functions by the manipulations of electronic or magnetic
45 impulses and includes all input, output, processing, storage, software or

1 communication facilities that are connected or related to such a device in a
2 system or network.

3 4. "Computer contaminant" means any set of computer instructions that
4 is designed to modify, damage, destroy, record or transmit information within
5 a computer, computer system or network without the intent or permission of
6 the owner of the information, computer system or network. Computer
7 contaminant includes a group of computer instructions, such as viruses or
8 worms, that is self-replicating or self-propagating and that is designed to
9 contaminate other computer programs or computer data, to consume computer
10 resources, to modify, destroy, record or transmit data or in some other
11 fashion to usurp the normal operation of the computer, computer system or
12 network.

13 5. "Computer program" means a series of instructions or statements, in
14 a form acceptable to a computer, that permits the functioning of a computer
15 system in a manner designed to provide appropriate products from the computer
16 system.

17 6. "Computer software" means a set of computer programs, procedures
18 and associated documentation concerned with the operation of a computer
19 system.

20 7. "Computer system" means a set of related, connected or unconnected
21 computer equipment, devices and software, including storage, media and
22 peripheral devices.

23 8. "Critical infrastructure resource" means any computer or
24 communications system or network that is involved in providing services
25 necessary to ensure or protect the public health, safety or welfare,
26 including services that are provided by any of the following:

- 27 (a) Medical personnel and institutions.
28 (b) Emergency services agencies.
29 (c) Public and private utilities, including water, power,
30 communications and transportation services.
31 (d) Fire departments, districts or volunteer organizations.
32 (e) Law enforcement agencies.
33 (f) Financial institutions.
34 (g) Public educational institutions.
35 (h) Government agencies.

36 9. "False or fraudulent pretense" means the unauthorized use of an
37 access device or the use of an access device to exceed authorized access.

38 10. "Financial instrument" means any check, draft, money order,
39 certificate of deposit, letter of credit, bill of exchange, credit card or
40 marketable security or any other written instrument as defined in section
41 13-2001 that is transferable for value.

42 11. "Network" includes a complex of interconnected computer or
43 communication systems of any type.

44 12. "Property" means financial instruments, information, including
45 electronically produced data, computer software and programs in either

1 machine or human readable form, and anything of value, tangible or
2 intangible.

3 13. "Proprietary or confidential computer security information" means
4 information about a particular computer, computer system or network that
5 relates to its access devices, security practices, methods and systems,
6 architecture, communications facilities, encryption methods and system
7 vulnerabilities and that is not made available to the public by its owner or
8 operator.

9 14. "Services" includes computer time, data processing, storage
10 functions and all types of communication functions.

11 Sec. 3. Section 13-2301, Arizona Revised Statutes, as amended by Laws
12 2004, chapter 188, section 18, is amended to read:

13 13-2301. Definitions

14 A. For the purposes of sections 13-2302, 13-2303 and 13-2304:

15 1. "Collect an extension of credit" means to induce in any way any
16 person to make repayment of that extension.

17 2. "Creditor" means any person making an extension of credit or any
18 person claiming by, under or through any person making an extension of
19 credit.

20 3. "Debtor" means any person to whom an extension of credit is made or
21 any person who guarantees the repayment of an extension of credit, or in any
22 manner undertakes to indemnify the creditor against loss resulting from the
23 failure of any person to whom an extension is made to repay the extension.

24 4. "Extend credit" means to make or renew any loan or to enter into
25 any agreement, tacit or express, whereby the repayment or satisfaction of any
26 debt or claim, whether acknowledged or disputed, valid or invalid, and
27 however arising, may or shall be deferred.

28 5. "Extortionate extension of credit" means any extension of credit
29 with respect to which it is the understanding of the creditor and the debtor
30 at the time the extension is made that delay in making repayment or failure
31 to make repayment could result in the use of violence or other criminal means
32 to cause harm to the person or the reputation or property of any person.

33 6. "Extortionate means" means the use, or an express or implicit
34 threat of use, of violence or other criminal means to cause harm to the
35 person or the reputation or property of any person.

36 7. "Repayment of any extension of credit" means the repayment,
37 satisfaction or discharge in whole or in part of any debt or claim,
38 acknowledged or disputed, valid or invalid, resulting from or in connection
39 with that extension of credit.

40 B. For the purposes of section 13-2305, 13-2306 or 13-2307:

41 1. "Dealer in property" means a person who buys and sells property as
42 a business.

43 2. "Stolen property" means property of another as defined in section
44 13-1801 that has been the subject of any unlawful taking.

1 3. "Traffic" means to sell, transfer, distribute, dispense or
2 otherwise dispose of stolen property to another person, or to buy, receive,
3 possess or obtain control of stolen property, with the intent to sell,
4 transfer, distribute, dispense or otherwise dispose of the property to
5 another person.

6 C. For the purposes of this chapter:

7 1. "ANIMAL ACTIVITY" MEANS A COMMERCIAL ENTERPRISE THAT USES ANIMALS
8 FOR FOOD, CLOTHING OR FIBER PRODUCTION, AGRICULTURE OR BIOTECHNOLOGY.

9 2. "ANIMAL FACILITY" MEANS A BUILDING OR PREMISES WHERE A COMMERCIAL
10 ACTIVITY IN WHICH THE USE OF ANIMALS IS ESSENTIAL TAKES PLACE, WHICH MAY
11 INCLUDE A ZOO, RODEO, CIRCUS, AMUSEMENT PARK, HUNTING PRESERVE AND HORSE AND
12 DOG EVENT.

13 3. "ANIMAL OR ECOLOGICAL TERRORISM" MEANS ANY FELONY IN VIOLATION OF
14 SECTION 13-2312, SUBSECTION B THAT INVOLVES AT LEAST THREE PERSONS ACTING IN
15 CONCERT, THAT INVOLVES THE INTENTIONAL OR KNOWING INFLICTION OF PROPERTY
16 DAMAGE IN AN AMOUNT OF MORE THAN TEN THOUSAND DOLLARS TO THE PROPERTY THAT IS
17 USED BY A PERSON FOR THE OPERATION OF A LAWFULLY CONDUCTED ANIMAL ACTIVITY OR
18 TO A COMMERCIAL ENTERPRISE THAT IS ENGAGED IN A LAWFULLY OPERATED ANIMAL
19 FACILITY OR RESEARCH FACILITY AND THAT INVOLVES EITHER:

20 (a) THE USE OF A DEADLY WEAPON OR DANGEROUS INSTRUMENT.

21 (b) THE INTENTIONAL OR KNOWING INFLICTION OF SERIOUS PHYSICAL INJURY
22 ON A PERSON ENGAGED IN A LAWFULLY CONDUCTED ANIMAL ACTIVITY OR PARTICIPATING
23 IN A LAWFULLY CONDUCTED ANIMAL FACILITY OR RESEARCH FACILITY.

24 ~~1-~~ 4. "Biological agent" means any microorganism, virus, infectious
25 substance or biological product that may be engineered through biotechnology
26 or any naturally occurring or bioengineered component of any microorganism,
27 virus, infectious substance or biological product and that is capable of
28 causing any of the following:

29 (a) Death, disease or physical injury in a human, animal, plant or
30 other living organism.

31 (b) The deterioration or contamination of air, food, water, equipment,
32 supplies or material of any kind.

33 ~~2-~~ 5. "Combination" means persons who collaborate in carrying on or
34 furthering the activities or purposes of a criminal syndicate even though
35 such persons may not know each other's identity, membership in the
36 combination changes from time to time or one or more members may stand in a
37 wholesaler-retailer or other arm's length relationship with others as to
38 activities or dealings between or among themselves in an illicit operation.

39 ~~3-~~ 6. "Communication service provider" has the same meaning
40 prescribed in section 13-3001.

41 ~~4-~~ 7. "Criminal syndicate" means any combination of persons or
42 enterprises engaging, or having the purpose of engaging, on a continuing
43 basis in conduct that violates any one or more provisions of any felony
44 statute of this state.

1 ~~5-~~ 8. "Explosive agent" means an explosive as defined in section
2 13-3101 and flammable fuels or fire accelerants in amounts over fifty gallons
3 but excludes:

4 (a) Fireworks as defined in section 36-1601.

5 (b) Firearms.

6 (c) A propellant actuated device or propellant actuated industrial
7 tool.

8 (d) A device that is commercially manufactured primarily for the
9 purpose of illumination.

10 (e) A rocket having a propellant charge of less than four ounces.

11 ~~6-~~ 9. "Material support or resources" includes money or other
12 financial securities, financial services, lodging, sustenance, training,
13 safehouses, false documentation or identification, communications equipment,
14 facilities, weapons, lethal substances, explosives, personnel,
15 transportation, disguises and other physical assets but does not include
16 medical assistance, legal assistance or religious materials.

17 ~~7-~~ 10. "Public establishment" means a structure that is owned, leased
18 or operated by this state or a political subdivision of this state or a
19 health care institution as defined in section 36-401.

20 11. "RESEARCH FACILITY" MEANS A LABORATORY, INSTITUTION, MEDICAL CARE
21 FACILITY, GOVERNMENT FACILITY, PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION OR
22 NATURE PRESERVE AT WHICH A SCIENTIFIC TEST, EXPERIMENT OR INVESTIGATION
23 INVOLVING THE USE OF ANIMALS IS LAWFULLY CARRIED OUT, CONDUCTED OR ATTEMPTED.

24 ~~8-~~ 12. "Terrorism" means any felony, including any completed or
25 preparatory offense, that involves the use of a deadly weapon or a weapon of
26 mass destruction or the intentional or knowing infliction of serious physical
27 injury with the intent to either:

28 (a) Influence the policy or affect the conduct of this state or any of
29 the political subdivisions, agencies or instrumentalities of this state.

30 (b) Cause substantial damage to or substantial interruption of public
31 communications, communication service providers, public transportation,
32 common carriers, public utilities, public establishments or other public
33 services.

34 ~~9-~~ 13. "Toxin" means the toxic material of plants, animals,
35 microorganisms, viruses, fungi or infectious substances or a recombinant
36 molecule, whatever its origin or method of reproduction, including:

37 (a) Any poisonous substance or biological product that may be
38 engineered through biotechnology and that is produced by a living organism.

39 (b) Any poisonous isomer or biological product, homolog or derivative
40 of such substance.

41 ~~10-~~ 14. "Vector" means a living organism or molecule, including a
42 recombinant molecule or biological product that may be engineered through
43 biotechnology, that is capable of carrying a biological agent or toxin to a
44 host.

45 ~~11-~~ 15. "Weapon of mass destruction" means:

1 (a) Any device or object that is designed or that the person intends
2 to use to cause multiple deaths or serious physical injuries through the use
3 of an explosive agent or the release, dissemination or impact of a toxin,
4 biological agent, poisonous chemical, or its precursor, or any vector.

5 (b) Except as authorized and used in accordance with a license,
6 registration or exemption by the radiation regulatory agency pursuant to
7 section 30-672, any device or object that is designed or that the person
8 intends to use to release radiation or radioactivity at a level that is
9 dangerous to human life.

10 D. For the purposes of sections 13-2312, 13-2313, 13-2314 and 13-2315,
11 unless the context otherwise requires:

12 1. "Control", in relation to an enterprise, means the possession of
13 sufficient means to permit substantial direction over the affairs of an
14 enterprise and, in relation to property, means to acquire or possess.

15 2. "Enterprise" means any corporation, partnership, association, labor
16 union or other legal entity or any group of persons associated in fact
17 although not a legal entity.

18 3. "Financial institution" means any business under the jurisdiction
19 of the department of financial institutions or a banking or securities
20 regulatory agency of the United States, a business coming within the
21 definition of a bank, financial agency or financial institution as prescribed
22 by 31 United States Code section 5312 or 31 Code of Federal Regulations
23 section 103.11 or a business under the jurisdiction of the securities
24 division of the corporation commission, the state real estate department or
25 the department of insurance.

26 4. "Racketeering" means any act, including any preparatory or
27 completed offense, that is chargeable or indictable under the laws of the
28 state or country in which the act occurred and, if the act occurred in a
29 state or country other than this state, that would be chargeable or
30 indictable under the laws of this state if the act had occurred in this
31 state, and that would be punishable by imprisonment for more than one year
32 under the laws of this state and, if the act occurred in a state or country
33 other than this state, under the laws of the state or country in which the
34 act occurred, regardless of whether the act is charged or indicted, and the
35 act involves either:

36 (a) Terrorism, ANIMAL TERRORISM OR ECOLOGICAL TERRORISM that results
37 or is intended to result in a risk of serious physical injury or death.

38 (b) Any of the following acts if committed for financial gain:

39 (i) Homicide.

40 (ii) Robbery.

41 (iii) Kidnapping.

42 (iv) Forgery.

43 (v) Theft.

44 (vi) Bribery.

45 (vii) Gambling.

- 1 (viii) Usury.
- 2 (ix) Extortion.
- 3 (x) Extortionate extensions of credit.
- 4 (xi) Prohibited drugs, marijuana or other prohibited chemicals or
- 5 substances.
- 6 (xii) Trafficking in explosives, weapons or stolen property.
- 7 (xiii) Participating in a criminal syndicate.
- 8 (xiv) Obstructing or hindering criminal investigations or
- 9 prosecutions.
- 10 (xv) Asserting false claims including, but not limited to, false
- 11 claims asserted through fraud or arson.
- 12 (xvi) Intentional or reckless false statements or publications
- 13 concerning land for sale or lease or sale of subdivided lands or sale and
- 14 mortgaging of unsubdivided lands.
- 15 (xvii) Resale of realty with intent to defraud.
- 16 (xviii) Intentional or reckless fraud in the purchase or sale of
- 17 securities.
- 18 (xix) Intentional or reckless sale of unregistered securities or real
- 19 property securities.
- 20 (xx) A scheme or artifice to defraud.
- 21 (xxi) Obscenity.
- 22 (xxii) Sexual exploitation of a minor.
- 23 (xxiii) Prostitution.
- 24 (xxiv) Restraint of trade or commerce in violation of section 34-252.
- 25 (xxv) Terrorism.
- 26 (xxvi) Money laundering.
- 27 (xxvii) Obscene or indecent telephone communications to minors for
- 28 commercial purposes.
- 29 (xxviii) Counterfeiting marks as proscribed in section 44-1453.
- 30 (xxix) ANIMAL TERRORISM OR ECOLOGICAL TERRORISM.
- 31 (xxx) SMUGGLING OF HUMAN BEINGS.
- 32 5. "Records" means any book, paper, writing, computer program, data,
- 33 image or information that is collected, recorded, preserved or maintained in
- 34 any form of storage medium.
- 35 6. "Remedy racketeering" means to enter a civil judgment pursuant to
- 36 this chapter or chapter 39 of this title against property or a person who is
- 37 subject to liability, including liability for injury to the state that is
- 38 caused by racketeering or by actions in concert with racketeering.
- 39 E. For the purposes of sections 13-2316, 13-2316.01 and 13-2316.02:
- 40 1. "Access" means to instruct, communicate with, store data in,
- 41 retrieve data from or otherwise make use of any resources of a computer,
- 42 computer system or network.
- 43 2. "Access device" means any card, token, code, account number,
- 44 electronic serial number, mobile or personal identification number, password,
- 45 encryption key, biometric identifier or other means of account access.

1 including a canceled or revoked access device, that can be used alone or in
2 conjunction with another access device to obtain money, goods, services,
3 computer or network access or any other thing of value or that can be used to
4 initiate a transfer of any thing of value.

5 3. "Computer" means an electronic device that performs logic,
6 arithmetic or memory functions by the manipulations of electronic or magnetic
7 impulses and includes all input, output, processing, storage, software or
8 communication facilities that are connected or related to such a device in a
9 system or network.

10 4. "Computer contaminant" means any set of computer instructions that
11 is designed to modify, damage, destroy, record or transmit information within
12 a computer, computer system or network without the intent or permission of
13 the owner of the information, computer system or network. Computer
14 contaminant includes a group of computer instructions, such as viruses or
15 worms, that is self-replicating or self-propagating and that is designed to
16 contaminate other computer programs or computer data, to consume computer
17 resources, to modify, destroy, record or transmit data or in some other
18 fashion to usurp the normal operation of the computer, computer system or
19 network.

20 5. "Computer program" means a series of instructions or statements, in
21 a form acceptable to a computer, that permits the functioning of a computer
22 system in a manner designed to provide appropriate products from the computer
23 system.

24 6. "Computer software" means a set of computer programs, procedures
25 and associated documentation concerned with the operation of a computer
26 system.

27 7. "Computer system" means a set of related, connected or unconnected
28 computer equipment, devices and software, including storage, media and
29 peripheral devices.

30 8. "Critical infrastructure resource" means any computer or
31 communications system or network that is involved in providing services
32 necessary to ensure or protect the public health, safety or welfare,
33 including services that are provided by any of the following:

- 34 (a) Medical personnel and institutions.
- 35 (b) Emergency services agencies.
- 36 (c) Public and private utilities, including water, power,
37 communications and transportation services.
- 38 (d) Fire departments, districts or volunteer organizations.
- 39 (e) Law enforcement agencies.
- 40 (f) Financial institutions.
- 41 (g) Public educational institutions.
- 42 (h) Government agencies.

43 9. "False or fraudulent pretense" means the unauthorized use of an
44 access device or the use of an access device to exceed authorized access.

1 10. "Financial instrument" means any check, draft, money order,
2 certificate of deposit, letter of credit, bill of exchange, credit card or
3 marketable security or any other written instrument as defined in section
4 13-2001 that is transferable for value.

5 11. "Network" includes a complex of interconnected computer or
6 communication systems of any type.

7 12. "Property" means financial instruments, information, including
8 electronically produced data, computer software and programs in either
9 machine or human readable form, and anything of value, tangible or
10 intangible.

11 13. "Proprietary or confidential computer security information" means
12 information about a particular computer, computer system or network that
13 relates to its access devices, security practices, methods and systems,
14 architecture, communications facilities, encryption methods and system
15 vulnerabilities and that is not made available to the public by its owner or
16 operator.

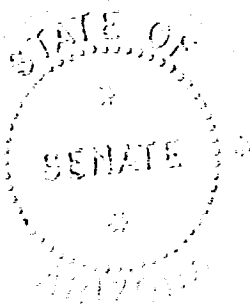
17 14. "Services" includes computer time, data processing, storage
18 functions and all types of communication functions.

19 Sec. 4. Effective date

20 Section 13-2301, Arizona Revised Statutes, as amended by Laws 2004,
21 chapter 188, section 18 and section 3 of this act, is effective from and
22 after December 31, 2005.

~~APPROVED BY THE GOVERNOR MAY 20, 2005.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2005.~~



Passed the House April 20, 20 05


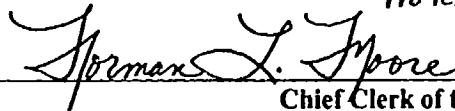
by the following vote: 33 Ayes,

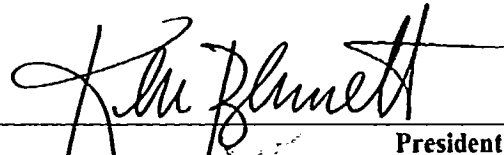
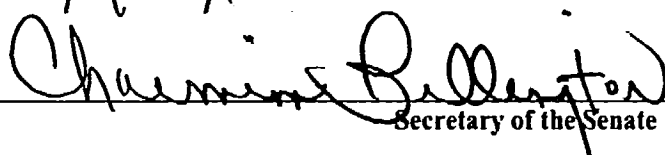
26 Nays, 1 Not Voting

Passed the Senate February 10, 20 05

by the following vote: 27 Ayes,

0 Nays, 3 Not Voting


Speaker of the House
Pro Tempore

Chief Clerk of the House


President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1166

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 11, 2005,

by the following vote: 33 Ayes,

19 Nays, 8 Not Voting



Speaker of the House
Pro Tempore


Chief Clerk of the House

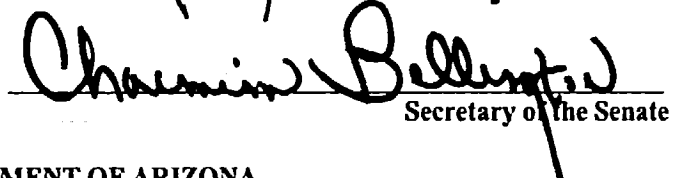
SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 10, 2005,

by the following vote: 19 Ayes,

6 Nays, 5 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 12th day of May, 2005

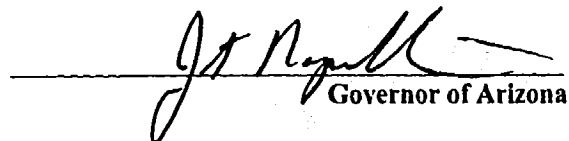
at 12:45 o'clock P. M.


Secretary to the Governor

Approved this 22 day of

May, 2005,

at 9:30 o'clock A. M.


Governor of Arizona

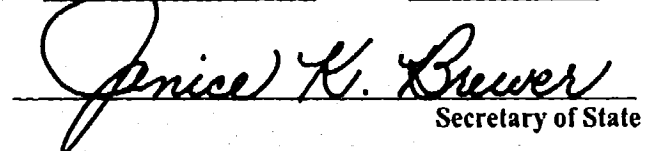
S.B. 1166

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 2005,

at 3:03 o'clock P. M.


Secretary of State